

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1498

S. P. 521

In Senate, April 27, 1965

Reported by Majority from Committee on Public Utilities. Printed under
Joint Rules No. 10.

EDWIN H. PERT, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to Transportation of Commodities for Hire by a Common
Carrier.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 35, § 1552, amended. The first sentence of section 1552 of Title 35 of the Revised Statutes is amended to read as follows:

'No person, corporation, partnership, railroad, street railway or other transportation company shall operate, or cause to be operated, any motor vehicle or vehicles not running on rails or tracks upon any public way in the business of transporting freight or merchandise for hire as a common carrier over regular routes **between points within this State**, or in the business of transporting household goods; **heavy machinery; liquid petroleum products, asphalts and tars in bulk in tank equipment; refrigerated products; disabled, collision damaged or repossessed motor vehicles; dairy products; liquid, semi-solid or dry chemical products in bulk in tank equipment**, as such ~~commodity~~ **commodities** shall from time to time be defined by the commission, **and such other specific or generically grouped commodities in bulk and those requiring the use of specialized motor vehicle equipment as shall from time to time be defined by the commission and as the commission shall determine require transportation** for hire as a common carrier **by motor vehicle** over irregular routes between points within this State without having obtained from the commission a certificate declaring that public necessity and convenience require and permit such operation.'

Sec. 2. R. S., T. 35, § 1552, sub-§§ 1-3, repealed and replaced. Subsections 1 to 3 of section 1552 of Title 35 of the Revised Statutes are repealed and the following enacted in place thereof:

1. Certificate for transportation of commodities in bulk and those requiring the use of specialized motor vehicle equipment; service having been rendered. A certificate authorizing the transportation of commodities in bulk and those requiring the use of specialized motor vehicle equipment as such commodity or commodities shall from time to time be defined by the commission for hire as a common carrier over irregular routes, shall be granted as a matter of right when it appears to the satisfaction of the commission, after hearing, that an adequate and responsible service in the transportation of such commodity or commodities is being lawfully rendered by the applicant within the general area covered by the application and that the applicant has been rendering such service without substantial interruption since the first day of January, 1965 and in cases where such authorized service has been so rendered the operation may lawfully be continued pending the issuance of such certificate provided application therefor is made within 30 days after the effective date of this Act.

2. Common carrier. Holders of contract carrier permits who, since January 1, 1965 have not engaged in the transportation of commodities in bulk and those requiring the use of specialized motor vehicle equipment as such commodity or commodities shall from time to time be defined by the commission for hire but who propose to engage in such transportation as a common carrier over irregular routes shall upon application be granted a certificate authorizing the transportation of such commodity or commodities for hire as a common carrier over irregular routes when it appears to the satisfaction of the commission, after hearing, that such transportation was within the scope of the permit held by the applicant.

3. Limitation. A certificate issued under subsections 1 and 2 shall not grant more authority than existed by virtue of the contract carrier permit held by the applicant except as may result from the definition of a specific commodity or certain related commodities grouped under a generic term and in no event shall this Act be construed as creating a new test period for the purpose of defining so-called unclarified contract carrier grandfather permits.'

Sec. 3. R. S., T. 35, § 1555, amended. The first sentence of section 1555 of Title 35 of the Revised Statutes is amended to read as follows:

'The term "contract carrier" as used in chapters 91 to 97 is intended to include all persons, firms or corporations operating or causing the operation of motor vehicles transporting freight or merchandise for hire upon the public highways, other than common carriers over regular routes or common carriers of household goods or other commodities as provided for in Title 35, section 1552, subsections 1 to 3, as such commodity or commodities shall from time to time be defined by the commission, over irregular routes; except that the term shall not be construed to include any person, firm or corporation not regularly engaged in the transportation business but who on occasional trips transports the property of others for hire.'